

REMARKS

Claims 1- 32 are pending in the present application. Of those, claims 1, 11, 18, 24, 27, and 30 are independent claims. Claims 5 and 11-17 are amended by this Response. Claims 24-32 are added by this Response.

Applicant notes with appreciation the Examiner's acknowledgement that certified copies of all priority documents have been received by the USPTO. Applicant notes with appreciation the Examiner's acknowledgement that the drawings filed with this application have been accepted by the Examiner.

Claim Objections

Claim 5 stands objected to for various informalities as detailed in the current Office Action at page 2. Applicant respectfully submits that the amendments to the claims reflected above are sufficient to address and overcome each of the identified informalities. Applicant respectfully requests, therefore, that these objections be withdrawn.

Claim Rejections under 35 U.S.C. § 101

Claims 11-17 stand rejected under 35 U.S.C. § 101 because the claimed invention is directed to non-statutory subject matter. Applicant respectfully traverses this rejection for the reasons detailed below.

The Manual of Patent Examining Procedure (MPEP) provides guidance on the difference between "nonfunctional descriptive material" and "functional descriptive material". In particular, MPEP § 2106.01 states the following:

In this context, “functional descriptive material” consists of data structures and computer programs which impart functionality when employed as a computer component. (The definition of “data structure” is “a physical or logical relationship among data elements, designed to support specific data manipulation functions.” The New IEEE Standard Dictionary of Electrical and Electronics Terms 308 (5th ed. 1993).) “Nonfunctional descriptive material” includes but is not limited music, literary works and a compilation or mere arrangement of data.

Accordingly, Applicant respectfully submits that a “computer readable medium including video and/or audio and graphic data...the computer readable medium having an information area storing information files for managing reproduction of the video and/or audio and graphic data” as recited in independent claim 11 stores **functional** descriptive material.

MPEP §2106.01(I) further states, regarding **functional** descriptive material, that “a claimed computer-readable medium encoded with a data structure defines structural and functional interrelationships between the data structure and the computer software and hardware components which permit the data structure’s functionality to be realized, and is thus statutory.” The computer readable medium recited in claim 11 includes a data structure having video and/or audio and graphic data and an information area, which provides information files. As recited in claim 11, the information files are for “managing reproduction of the video and/or audio and graphic data.” Accordingly, claim 11 is clearly directed towards patentable, statutory subject matter.

In light of the above, Applicant respectfully requests that the rejection of independent claim 11, and claims depending therefrom, under 35 U.S.C. § 101 be withdrawn.

Claim Rejections under 35 U.S.C. § 103

Claims 1-4 and 6-17 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over European Telecommunication Standard (ETSI ETS 300 743, herein ETSI) in view of Kuehnle et

al. (U.S. Patent No. 3,697,176, herein Kuehnle). Claims 5 and 18-23 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over ETSI and Kuehnle and further in view of Kwok et al. (U.S. Pat. No. 5,387,940, herein Kwok). Applicant respectfully traverses this rejection for the reasons detailed below.

ETSI discloses at page 7, section 3.1 “A look-up table applied in each region for translating the objects’ pseudo-colours into the correct colours on the screen. In most cases, one CLUT is sufficient to present correctly the colours of all objects in a region.” Therefore, ETSI clearly discloses a CLUT **for each region**, and objects in different regions will therefore have **different CLUTs**. Accordingly, ETSI fails to disclose “the color control information is used in **common** for screen display by **the plurality of graphic objects**” as required by claim 1.

Further, the Examiner already admits at page 3 of the current Office Action that ETSI does not disclose recording graphic data on a recording medium. Instead, the Examiner relies on Kuehnle as teaching this feature. Kuehnle is directed to a system for recording data on microfiche. In particular, Kuehnle discloses at col. 2, lines 10-18 “The system operates in all cases by first making a micro-image of the document...[t]his image is then projected full-size onto a copying medium, such as electrostatic copy paper, after which the reproduction is developed and the temporary medium is erased or removed.” Therefore, Kuehnle projects **the actual image** (i.e., **not** a data stream of the image) onto a copying medium. Applicant’s claim 1 requires “organizing the plurality of graphic objects and color control information into a PES (Packetized Elementary Stream) packet and **recording the PES packet** on the recording medium.” The Examiner asserts that ETSI at page 7, section 3.1 discloses the PES packet of Applicant’s claim 1. While Applicant does not agree with the Examiner’s assertion, Applicant does admit that ETSI discloses a PES packet. However, Applicant respectfully submits that one skilled in the art would not look to combine the system for recording found in Kuehnle with the

PES packets of ETSI. To the contrary, the system for recording in Kuehnle would be completely unable to record PES packets because the system for recording in Kuehnle is directed to recording an actual image onto a copying medium. In particular, Applicant submits one skilled in the art would not and could not record a Packetized Elementary Stream (PES) of digital data onto microfiche.

Accordingly, Applicant respectfully submits that claim 1 is patentable for at least the above reasons. Further, even assuming for the sake of argument that ETSI and Kwok are properly combinable (which Applicant does not admit), Kwok fails to cure the deficiencies of ETSI discussed above. Therefore, ETSI in view of Kwok fails to disclose, teach, or suggest the features as required by claim 1, and claim 1 is not rendered obvious in view of ETSI and Kwok. Claims 11 and 18 contain features somewhat similar to those discussed above in regards to claim 1, and therefore, claims 11 and 18 are patentable for at least somewhat similar reasons as claim 1. Claims 2-10, 12-17, and 19-23, which depend from one of claims 1, 11, and 18, are patentable for at least the same reasons discussed above in regards to claims 1, 11, and 18 as well as on their own merits.

In view of the above, Applicant respectfully requests the rejections under 35 U.S.C. § 103(a) be withdrawn.

New Claims

New Claims 24-32 are added by this Response. Claims 24, 27, and 30 contain features somewhat similar to those discussed above in regards to claim 1, and therefore, claims 24, 27, and 30 are patentable for at least somewhat similar reasons as claim 1. Claims 25-26, 28-29, and 31-32, which depend from one of claims 24, 27, and 30, are patentable for at least the same reasons discussed above in regards to claims 24, 27, and 30 as well as on their own merits.

CONCLUSION

Accordingly, in view of the above amendments and remarks, reconsideration of the objections and rejections and allowance of each of the claims in connection with the present application is earnestly solicited.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Gary D. Yacura at the telephone number of the undersigned below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

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By



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